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LOS ANGELES POLICE DEPARTMENT
Force Investigation Division

SUBJECT TO PROTECTIVE ORDER

In the Matter of:	) FID No. F042-17
FID NO. F042-17	) FILE No. F042-17
Transcription of Recorded	) Officer
Interview of Officer Daniel Ramirez	) Daniel Ramirez
	) TEAMS II CASE No.
	) 2024361

ESTATE OF ERIC RIVERA, et al.

v.

CITY OF LOS ANGELES, et al.

Transcription of recorded interview of
Officer Daniel Ramirez,

by Detectives Peter Stone and Brandy Arzate.

Also present, Attorney David Winslow.

CV17-06939 CBM (MRWx)

Transcribed by Marie Rodriguez.

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SUBJECT TO PROTECTIVE ORDER

Transcribed by:
Marie Rodriguez

Δ π EXHIBIT 13
Deponent Ramirez
Date 12-27-18 Rptr. CG
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TP87077

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SUBJECT TO PROTECTIVE ORDER

Los Angeles Police Department

File No.
F042-17 Officer Daniel Ramirez

DETECTIVE BRANDY ARZATE: Okay. Good morning. Today's date is June 7th, 2017. It is now approximately 0413 hours. I'm Detective Brandy Arzate. Serial number 34394. Assigned to Force Investigation Division.

ESTATE OF ERIC RIVERA, et al.
v.
CITY OF LOS ANGELES, et al.
CV17-06020 CBM (MRWx)

And I am here at Harbor Station to interview Police Officer II, Daniel Ramirez. Sir, can you please say and spell your first and last name for the record?

OFFICER DANIEL RAMIREZ: First name is Daniel, D-a-n-i-e-l. Last name is Ramirez, R-a-m-i-r-e-z.

DETECTIVE BRANDY ARZATE: Okay. And is your serial number 40185?

OFFICER DANIEL RAMIREZ: Yes.

DETECTIVE BRANDY ARZATE: Okay. And this is regarding officer involved shooting that occurred at 1109 north Wilmington on June 6th, 2016, at approximately 2100 hours.

This interview is being digitally recorded and will be assigned a job number at a later date. Also present for the interview are

CONFIDENTIAL MATERIAL
SUBJECT TO PROTECTIVE ORDER

CONFIDENTIAL MATERIAL
SUBJECT TO PROTECTIVE ORDER
ESTATE OF ERIC RIVERA, et al. v. CITY OF LOS ANGELES, et al.
CV17-06020 CBM (MRWx)
CONFIDENTIAL MATERIAL
SUBJECT TO PROTECTIVE ORDER

DETECTIVE PETER STONE: Detective Peter Stone, Peter Stone, Serial number 27168 with FID.

ATTORNEY DAVID WINSLOW: And David Winslow. I'm Officer Ramirez's attorney.

DETECTIVE BRANDY ARZATE: Okay. Officer Ramirez, for the record, is there anybody present at this interview who has not been identified?

OFFICER DANIEL RAMIREZ: No.

DETECTIVE BRANDY ARZATE: Okay. Before we begin the interview, will you conduct a volun -- will you provide a voluntary statement?

OFFICER DANIEL RAMIREZ: No.

DETECTIVE BRANDY ARZATE: Okay. And is this interview being conducted during your regular scheduled shift and work hours?

OFFICER DANIEL RAMIREZ: Yes.

DETECTIVE BRANDY ARZATE: And --

OFFICER DANIEL RAMIREZ: I'm -- I'm ten -- I'm actually overtime --

DETECTIVE BRANDY ARZATE: Okay.

OFFICER DANIEL RAMIREZ: -- three hours, as of right now.

DETECTIVE BRANDY ARZATE: Okay. What were your hours today, sir?

OFFICER DANIEL RAMIREZ: From 1500 to 0100.

CONFIDENTIAL MATERIAL
SUBJECT TO PROTECTIVE ORDER
ESTATE OF ERIC RIVERA, et al.
v.
CITY OF LOS ANGELES, et al.
CV17-06939 CBM(MRWx)

DETECTIVE BRANDY ARZATE: Okay. Well, since you have declined to provide a voluntary statement, I must read you the following. The entire investigation concerning this incident, including this tape recorded interview, is classified as confidential by the Chief of Police. Do you understand?

OFFICER DANIEL RAMIREZ: Yes.

DETECTIVE BRANDY ARZATE: As a supervisor of the Los Angeles Police Department and as authorized by the Chief of Police, I'm informing you that your silence could be deemed as insubordination and lead to administrative discipline, which could result in your discharge or removal from office and that any statement made under the compulsion of the threat of such discipline cannot be used against you in any subsequent criminal proceeding. Do you have any questions, sir?

OFFICER DANIEL RAMIREZ: No. Or -- no.

DETECTIVE BRANDY ARZATE: Now --

ATTORNEY DAVID WINSLOW: Okay. Can -- can we take a pause for just a second?

DETECTIVE BRANDY ARZATE: Yes. Okay. We're gonna be pausing. The time is approximately 0415.

CONFIDENTIAL MATERIAL

Okay. We're back on the record and it's approximately 0416 hours. Okay. So since you have no

SUBJECT TO PROTECTIVE ORDER

CONFIDENTIAL MATERIAL
SUBJECT TO PROTECTIVE ORDER

questions, at this time, I hereby order you to provide a statement and answer all questions in this matter, sir.

And also, I'd like to mention that when you were at the scene prior to doing the walk-through's, you were compelled to do so; is that correct?

OFFICER DANIEL RAMIREZ: Yes.

DETECTIVE BRANDY ARZATE: Okay. And are you in agreement, Mr. Winslow?

OFFICER DANIEL RAMIREZ: Yes.

ESTATE OF ERIC RIVERA, et al.
v.
CITY OF LOS ANGELES, et al.
CV17-06939 CBM (SSX)

DETECTIVE BRANDY ARZATE: Okay. Great. So Officer Ramirez, what is your current division and assignment?

OFFICER DANIEL RAMIREZ: Harbor Division, patrol.

DETECTIVE BRANDY ARZATE: Okay. And how long have you been assigned to Harbor Division?

OFFICER DANIEL RAMIREZ: Two D.P.'s.

DETECTIVE BRANDY ARZATE: Okay. Where did you work prior to that?

OFFICER DANIEL RAMIREZ: Pacific Division.

DETECTIVE BRANDY ARZATE: Okay. And did you have a partner this evening?

OFFICER DANIEL RAMIREZ: Yes.

CONFIDENTIAL MATERIAL
SUBJECT TO PROTECTIVE ORDER

DETECTIVE BRANDY ARZATE: Okay. And who was your partner?

CONFIDENTIAL MATERIAL
SUBJECT TO PROTECTIVE ORDER

OFFICER DANIEL RAMIREZ: Officer Art Urruita.

DETECTIVE BRANDY ARZATE: Okay. I believe Urruita -- let's see if I can figure out how it was spelled. I have U-r-r-u-i-t-a. Does that sound about right? And I believe his ser -- serial number is 36065. How long have you and Officer Urruita been working together?

OFFICER DANIEL RAMIREZ: That was our first day working together.

ESTATE OF LUIS RIVERA, et al.
v.
CITY OF LOS ANGELES, et al.
CV17-06930 CBM (MRWx)

DETECTIVE BRANDY ARZATE: Okay. At any time during your shift today did you guys have the opportunity to discuss things like tactics and contact cover, anything to that nature?

OFFICER DANIEL RAMIREZ: I was gonna be contact --

DETECTIVE BRANDY ARZATE: Uh-huh.

OFFICER DANIEL RAMIREZ: -- and he was gonna be cover. Which I -- I -- I -- my -- my -- I told him I had backup and I had a .40. As far as tactics, I really don't remember. I usually go over with my partners, but I don't remember today.

DETECTIVE BRANDY ARZATE: Okay. But at the beginning of your shift, you guys established who was gonna be contact and cover. You shared the type of weapons that you were carrying --

CONFIDENTIAL MATERIAL
SUBJECT TO PROTECTIVE ORDER

CONFIDENTIAL MATERIAL
SUBJECT TO PROTECTIVE ORDER

OFFICER DANIEL RAMIREZ: Yes.

DETECTIVE BRANDY ARZATE: -- on your person? Okay. And were you the driver or the passenger?

OFFICER DANIEL RAMIREZ: The driver.

DETECTIVE BRANDY ARZATE: Okay. And were you guys in a marked black and white or a plain vehicle?

OFFICER DANIEL RAMIREZ: Yes.

DETECTIVE BRANDY ARZATE: What --

OFFICER DANIEL RAMIREZ: Mark -- marked black and white.

ESTATE OF ERIC RIVERA, et al.
v.
CITY OF LOS ANGELES, et al.
CV17-06030 CBM (MRWx)

DETECTIVE BRANDY ARZATE: Okay. In full uniform?

OFFICER DANIEL RAMIREZ: Yes.

DETECTIVE BRANDY ARZATE: Okay. Now, at any time during your shift, did you respond to the area of 1109 North Wilmington?

OFFICER DANIEL RAMIREZ: Yes.

DETECTIVE BRANDY ARZATE: Okay. And what caused you to respond to that area?

OFFICER DANIEL RAMIREZ: It was a radio call of a 415-man with a gun. Comments to the call say there was a male Hispanic between, I believe, it was 20 to 30 wearing dark clothing. Comments also stated that he was walking, possibly, southbound towards Anaheim from PCH and Wilmington Boulevard.

CONFIDENTIAL MATERIAL
SUBJECT TO PROTECTIVE ORDER

DETECTIVE BRANDY ARZATE: Okay. Now, were you

CONFIDENTIAL MATERIAL
SUBJECT TO PROTECTIVE ORDER
ESTATE OF ERIC RIVERA, et al. v. CITY OF LOS ANGELES, et al.
CV17-06930 CBM (MRWx)
CONFIDENTIAL MATERIAL
SUBJECT TO PROTECTIVE ORDER

assigned the call or were you responding to somebody else's --

OFFICER DANIEL RAMIREZ: We were backing.

DETECTIVE BRANDY ARZATE: Okay. Do you recall what unit you were backing?

OFFICER DANIEL RAMIREZ: It was 5M25.

DETECTIVE BRANDY ARZATE: Okay. If you can, just go ahead and tell me -- so you guys responded to the location. Was it Code 2 or Code 3?

OFFICER DANIEL RAMIREZ: It was Code 3.

DETECTIVE BRANDY ARZATE: Okay. Were you guys -- but the car was Code 3, but how were you guys responding?

OFFICER DANIEL RAMIREZ: Oh, we were already in the area --

DETECTIVE BRANDY ARZATE: Uh-huh.

OFFICER DANIEL RAMIREZ: -- so we didn't feel the need to, like, activate lights and sirens, since we were already maybe two blocks away --

DETECTIVE BRANDY ARZATE: Okay.

OFFICER DANIEL RAMIREZ: -- from the location.

DETECTIVE BRANDY ARZATE: Did you guys broadcast that you were going en route?

OFFICER DANIEL RAMIREZ: Yes.

DETECTIVE BRANDY ARZATE: Okay. So you responded

CONFIDENTIAL MATERIAL
SUBJECT TO PROTECTIVE ORDER

Code 2, did you say?

OFFICER DANIEL RAMIREZ: Yes.

DETECTIVE BRANDY ARZATE: Okay. And tell me what happened when you got there, what you saw, what you heard, what you did and kind of go through --

OFFICER DANIEL RAMIREZ: Okay.

DETECTIVE BRANDY ARZATE: -- the beginning of the story all the way to the end.

DETECTIVE PETER STONE: Did you ever go Code 6 in the area?

ESTATE OF ERIC RIVERA, et al.
v.
CITY OF LOS ANGELES, et al.
CV17-06939 CBM (MRWx)

OFFICER DANIEL RAMIREZ: I believe my partner did.

DETECTIVE BRANDY ARZATE: Okay.

OFFICER DANIEL RAMIREZ: So --

DETECTIVE BRANDY ARZATE: You can go ahead and tell us the --

OFFICER DANIEL RAMIREZ: Okay.

DETECTIVE BRANDY ARZATE: -- the story.

OFFICER DANIEL RAMIREZ: So we're driving eastbound PCH approaching Wilmington Boulevard where the call was generated. We get there. There's no one matching that description. Communications broadcast that he was continuing going -- the P.R. observed him going southbound Wilmington Boulevard and -- still approaching Anaheim -- and that he was nearing a

CONFIDENTIAL MATERIAL
SUBJECT TO PROTECTIVE ORDER

CONFIDENTIAL MATERIAL
SUBJECT TO PROTECTIVE ORDER

Mexican market.

I grew up in the area. I'm familiar with the area. I know there's two Mexican markets on that street. There's one at L Street and one at I Street. So we continue driving southbound Wilmington Boulevard.

Didn't observe anyone matching that description at L and Wilmington Boulevard. Continued southbound, approaching the other one, which is on I Street. We were going at a very slow speed, like, maybe between 5 to 10. So I activated my ambers. This way, cars wouldn't hit us from behind.

ESTATE OF ERIC RIVERA, et al. v. CITY OF LOS ANGELES, et al. CV17-06930 CBM (MRWx)

We were in the No. 1 lane going southbound, still at the same 5 to 10 miles an hour. Then, around the area of Denni and Wilmington Boulevard, I see off to my right a male Hispanic, dark clothing, possibly between the age of 20 to 30. He's on the -- the west side of the street.

He's behind two -- he's walking -- there's two vehicles parked on the sidewalk -- oh, I'm sorry -- on the -- the curb, against the curb. So I can't really see what it -- if he has anything in his hands. And as we, like, move forward -- as we're moving forward closer to him, we're probably almost parallel.

CONFIDENTIAL MATERIAL
SUBJECT TO PROTECTIVE ORDER

Now, I could see him. And my partner says, "Oh,

CONFIDENTIAL MATERIAL
SUBJECT TO PROTECTIVE ORDER

shit. "Gun." At that -- at that moment, I -- well, as I see -- I'm sorry. As I see him, we go by -- as I see him, I start making like a -- kind of like a right-hand turn, like a -- a felony stop, but basically I positioned the vehicle diagonal to his location.

I do that because this way I could have more cover. Because if I just -- just to park right there in the No. 1 lane, that wouldn't be a lot of cover for my partner.

ESTATE OF ERIC RIVERA, et al.
v.
CITY OF LOS ANGELES, et al.
CV17-06930 CBM (MRWx)

DETECTIVE BRANDY ARZATE: Uh-huh.

OFFICER DANIEL RAMIREZ: So I parked diagonally. This way, he could have cover. From there, the suspect -- when my partner says, "Gun" the -- the suspect is simultaneously, like, looking over his shoulder, his right shoulder and he's turning around. And when he says -- simultaneously said he seen a gun.

I didn't see it at first, but it was within a split second, I see his carrying a -- a hand gun. It looked like a black semi-auto handgun in his left hand. He raises it, slightly, momentarily, probably maybe -- I don't know how to describe it, but it looked like he was raising it, but stopped, like, maybe halfway when he was raising it.

CONFIDENTIAL MATERIAL
SUBJECT TO PROTECTIVE ORDER

At which time, once I saw the gun, I immediately

drew out. Now, I -- I realize I was inside the vehicle, my black and white, but seeing that he's probably 20' from me and he has a gun already in his hand, he's already lifted it -- excuse me while I drink some water.

DETECTIVE BRANDY ARZATE: Uh-huh.

OFFICER DANIEL RAMIREZ: So seeing that he's already lifted it once, I see that he's about to lift it, possibly, a second time. So I believe I -- I put it in park. I might have thrown it into neutral, but I was already unholstered and believing that he might raise -- raise up and shoot. We -- I was already -- I was still in the -- the driver's seat and my partner was already deployed out of the vehicle.

So at that point, if he -- if he raises his gun -- if he's in imminent threat, I would shoot through the window if I had to. Because if he started shooting at me, I couldn't get out fast enough. So I'd have to shoot through the window.

DETECTIVE PETER STONE: When you say the window, the windshield?

OFFICER DANIEL RAMIREZ: I'm sorry. The windshield.

DETECTIVE PETER STONE: Okay.

OFFICER DANIEL RAMIREZ: As -- so he -- he

CONFIDENTIAL MATERIAL
SUBJECT TO PROTECTIVE ORDER
ESTATE OF RICARDO RIVERA, et al. v. CITY OF LOS ANGELES, et al. CV17-06939 CBM (MRWx)
CONFIDENTIAL MATERIAL
SUBJECT TO PROTECTIVE ORDER

CONFIDENTIAL MATERIAL
SUBJECT TO PROTECTIVE ORDER

didn't -- he didn't raise it like I thought initially the second time. He was -- he was just moving it slightly like he was gonna raise up. So that's why I got out of the vehicle. I believe I attempted to throw it in park with the gun in my hand, and I deployed out of the vehicle to get a better shooting stance. This way, I don't have to shoot through the -- through the windshield.

Then, as I jump out of the vehicle, I -- I see his raising his -- his left hand higher, now, like, more than before. So at that moment, I believed that he was gonna shoot me or my partner. So I was in fear for my life. At -- at which point, I fired approximately, six to seven rounds at him.

ESTATE OF ERIC RIVERA, et al.
v.
CITY OF LOS ANGELES, et al.
CV17-06930 CBM (MRWx)

At that moment, after -- after I fired six or seven rounds at him, he went down. It looked like he grabbed his side and then, he fell immediately down from that -- from that position.

Once I -- I -- I kind of got tunnel vision with that one, I lost track of the car. And I -- and my partner said, "The car." And then, I realized that the car was -- was passing me and my partner. So at that point, I realized maybe it's not in park.

CONFIDENTIAL MATERIAL

So I tried to jump back in the car, but there's a little -- it's I don't -- I don't want to call it,

SUBJECT TO PROTECTIVE ORDER

CONFIDENTIAL MATERIAL
SUBJECT TO PROTECTIVE ORDER
ESTATE OF ERIC RIVERA, et al. v. CITY OF LOS ANGELES, et al.
CV17-06030 CBM (MRWx)

like, a hill, but the -- from the No. 1 lane to the curb, it's at an angle, at which goes down. So may -- maybe the momentum.

DETECTIVE PETER STONE: So it slopes -- slopes down?

OFFICER DANIEL RAMIREZ: Yes.

DETECTIVE PETER STONE: Okay.

OFFICER DANIEL RAMIREZ: May -- maybe the momentum took the car. I'm -- I'm not sure, but I tried to jump in. I couldn't. I wasn't fast enough.

Knowing that he was already down, I didn't want to run him over because he's already been shot, more than likely. So to render aid, I was gonna try to put it in park or at least stop it so he doesn't get run over more --

DETECTIVE BRANDY ARZATE: Uh-huh.

OFFICER DANIEL RAMIREZ: -- or -- or once, so I put -- I tried to put my foot in the vehicle on the brake, but I might have hit the brake and the gas and the vehicle went over him.

And from there, it -- the vehicle probably dragged him a couple feet. And then, the vehicle crashed into the fence, an adjacent fence that was right behind him.

Prior -- prior to shooting him, though, I -- I

CONFIDENTIAL MATERIAL
SUBJECT TO PROTECTIVE ORDER

CONFIDENTIAL MATERIAL
SUBJECT TO PROTECTIVE ORDER
ESTATE OF ERIC RIVERA, et al.
v.
CITY OF LOS ANGELES, et al.
CV17-06939 CBM (MRWx)
CONFIDENTIAL MATERIAL
SUBJECT TO PROTECTIVE ORDER

did not know -- notice anyone behind him at that time. So for me, honestly, putting him -- put the ve -- putting the vehicle in park was mildly interesting at that point. I hate to say it, but he look -- he had a gun in his hand. He was trying to raise it. I wanted to put it in park, but at that moment, I -- I couldn't tell.

So it was either shoot through the glass or the vehicle -- there was nobody behind him, so if the vehicle did go, it wouldn't hit anybody because there was a garage behind him. So I knew -- I knew it wouldn't hit anybody, besides him.

So after the vehicle ran over him, I -- I noticed that he was underneath the vehicle, our -- our (Unintelligible) it -- at that point, we were -- I was gonna try and pull him out, but I -- I remember, this guy's -- he might still be alive.

DETECTIVE BRANDY ARZATE: Uh-huh.

OFFICER DANIEL RAMIREZ: He might still be armed. So we redeployed back to the secondary unit that showed up immediately after the shooting took place. Then, we just waited for an additional unit, and may -- maybe a supervisor to figure out a game plan, like, how are we going to extract this guy or -- or how we're gonna go about this because the vehicle is

CONFIDENTIAL MATERIAL
SUBJECT TO PROTECTIVE ORDER
ESTATE OF ERIC RIVERA, et al.
v.
CITY OF LOS ANGELES, et al.
CV17-06939 CBM (MRWx)
CONFIDENTIAL MATERIAL
SUBJECT TO PROTECTIVE ORDER

on top of him, unfortunately.

At which point, supervisors came. We devise -- devised a plan. F.D. showed up. And they -- they pronounced him dead because his -- he was not moving or anything like that.

And at that point, I would -- I got separated and just to check on my partner because I overheard the -- he might be going to the hospital, that he might be shot in the arm. So I went to go check on him. Then, I met with a supervisor and -- and that's it.

DETECTIVE BRANDY ARZATE: Okay. And do you recall which supervisor separated you from the partner?

OFFICER DANIEL RAMIREZ: It -- it wasn't a supervisor. It was more of a -- a PII.

DETECTIVE BRANDY ARZATE: Uh-huh.

OFFICER DANIEL RAMIREZ: He kind of took the role of responsibility. Enrique Lopez.

DETECTIVE BRANDY ARZATE: Okay. En -- you said Enrique?

OFFICER DANIEL RAMIREZ: Yes.

DETECTIVE BRANDY ARZATE: Lopez, L-o-p-e-z?

OFFICER DANIEL RAMIREZ: Yes.

DETECTIVE BRANDY ARZATE: Okay.

CONFIDENTIAL MATERIAL
SUBJECT TO PROTECTIVE ORDER
ESTATE OF ERIC RIVERA, et al.
v.
CITY OF LOS ANGELES, et al.
CV17-06020 CBM (MRWx)
CONFIDENTIAL MATERIAL
SUBJECT TO PROTECTIVE ORDER

OFFICER DANIEL RAMIREZ: He worked Watch 5 with -- with me.

DETECTIVE BRANDY ARZATE: Okay.

OFFICER DANIEL RAMIREZ: And then he devised that I need to get a supervisor. So he -- he told somebody to get a supervisor for me.

DETECTIVE BRANDY ARZATE: Uh-huh.

OFFICER DANIEL RAMIREZ: This way, they could watch me and monitor me --

DETECTIVE BRANDY ARZATE: Okay.

OFFICER DANIEL RAMIREZ: -- until then.

DETECTIVE BRANDY ARZATE: And which supervisor ended up meeting with you and gets --

OFFICER DANIEL RAMIREZ: It was Sergeant Hearn.

DETECTIVE BRANDY ARZATE: Sergeant Hearn?

OFFICER DANIEL RAMIREZ: Yes.

DETECTIVE BRANDY ARZATE: Now, Sergeant Hearn did not do the public safety statement, right?

OFFICER DANIEL RAMIREZ: Oh, no.

DETECTIVE BRANDY ARZATE: Okay. Which supervisor got a public safety statement from you?

OFFICER DANIEL RAMIREZ: It was Detective Zamora.

DETECTIVE BRANDY ARZATE: Okay. And were you at -- Detective Zamora monitor you as well or was somebody else in charge of actually monitoring you?

CONFIDENTIAL MATERIAL
SUBJECT TO PROTECTIVE ORDER
ESTATE OF RIVERA, et al.
v.
CITY OF LOS ANGELES, et al.
CV17-06939 CBM (MRWx)

OFFICER DANIEL RAMIREZ: Detective Zamora, monitored me.

DETECTIVE BRANDY ARZATE: Uh-huh.

OFFICER DANIEL RAMIREZ: And then, he was ordered to go do another task. And Detective Gong -- Goggle?

DETECTIVE PETER STONE: Noggle?

OFFICER DANIEL RAMIREZ: Noggle? There you go.

DETECTIVE BRANDY ARZATE: Okay.

OFFICER DANIEL RAMIREZ: Noggle.

DETECTIVE PETER STONE: The man who was up front at the station once you were at the station when that happened?

OFFICER DANIEL RAMIREZ: Yes, Yes.

DETECTIVE BRANDY ARZATE: Okay. So Detective Noggle took over monitoring you while you're at the station?

OFFICER DANIEL RAMIREZ: Yes.

DETECTIVE BRANDY ARZATE: Did you -- were you eventually transported back to the station for a walk-through?

OFFICER DANIEL RAMIREZ: To the scene, yes.

DETECTIVE BRANDY ARZATE: I'm sorry. To the -- yeah. And who transported you to the scene?

CONFIDENTIAL MATERIAL

OFFICER DANIEL RAMIREZ: Detective Noggle.

SUBJECT TO PROTECTIVE ORDER

DETECTIVE BRANDY ARZATE: Okay. And did she

CONFIDENTIAL MATERIAL
SUBJECT TO PROTECTIVE ORDER

bring you back to the station after your walk-through?

OFFICER DANIEL RAMIREZ: Yes.

DETECTIVE BRANDY ARZATE: Okay. And did she continue to monitor you until your attorney --

OFFICER DANIEL RAMIREZ: Yes.

DETECTIVE BRANDY ARZATE: -- met with you? Okay. Just to go back a little bit. Now, you said you believe your partner put you guys Code 6 --

OFFICER DANIEL RAMIREZ: Yes.

DETECTIVE BRANDY ARZATE: -- when you got to the scene? Okay. And -- let me just dot -- now, you mentioned you -- did you see the suspect before your partner said, "Oh, shit. Gun" or did you hear your partner say that first and --

OFFICER DANIEL RAMIREZ: No. I -- I saw him --

DETECTIVE BRANDY ARZATE: Uh-huh.

OFFICER DANIEL RAMIREZ: -- momentarily, like, his hat. I just saw a black hat. I'm, like, okay. There's -- there's a guy walking. So I just noticed the hat --

DETECTIVE BRANDY ARZATE: Uh-huh.

OFFICER DANIEL RAMIREZ: -- and then he -- he popped out like -- then I could visibly see his whole body after he passed the car that I couldn't see passed.

ESTATE OF BRIGHT RIVERA, et al. v. CITY OF LOS ANGELES, et al. CV17-06930 CBM (MRWx)
CONFIDENTIAL MATERIAL
SUBJECT TO PROTECTIVE ORDER

CONFIDENTIAL MATERIAL
SUBJECT TO PROTECTIVE ORDER

DETECTIVE BRANDY ARZATE: Okay. I believe you mentioned that -- which direction was he walking?

OFFICER DANIEL RAMIREZ: He was walking southbound.

DETECTIVE BRANDY ARZATE: Southbound? Now, when he looked over his shoulder at you, I believe you mentioned that he looked over his -- his right shoulder?

OFFICER DANIEL RAMIREZ: Yes. He looked over his right shoulder.

ESTATE OF ERIC RIVERA, et al.
v.
CITY OF LOS ANGELES, et al.
CV17-06939 CBM (MRWx)

DETECTIVE BRANDY ARZATE: Okay. So he turned his body to the right, like in a clockwise direction and looked back at you guys?

OFFICER DANIEL RAMIREZ: Yes.

DETECTIVE BRANDY ARZATE: Okay. And did the suspect ever say anything to you guys?

OFFICER DANIEL RAMIREZ: Yes. Bring back -- as he was turning --

DETECTIVE BRANDY ARZATE: Uh-huh.

OFFICER DANIEL RAMIREZ: -- I believe he said, "fuck you" once -- once he saw that there was a vehicle there.

DETECTIVE BRANDY ARZATE: Now, was that in response to any commands you guys tried to give the suspect?

CONFIDENTIAL MATERIAL
SUBJECT TO PROTECTIVE ORDER

CONFIDENTIAL MATERIAL
SUBJECT TO PROTECTIVE ORDER
ESTATE OF ERIC RIVERA, et al.
v.
CITY OF LOS ANGELES, et al.
CV17-06930 CBM (MRWx)

OFFICER DANIEL RAMIREZ: No. That was prior to.

DETECTIVE BRANDY ARZATE: Okay. So -- you -- no. You guy -- you or your partner didn't say anything to him?

OFFICER DANIEL RAMIREZ: We -- we -- we -- we were still in the vehicle?

DETECTIVE BRANDY ARZATE: Okay.

OFFICER DANIEL RAMIREZ: So when he turned all -- turned his -- turned over his shoulder and looked, he said, "fuck you" immediately or -- or what I believe he said, fuck you. And then, that's when my part -- partner said -- partner, gun or he said, "Oh, shit. Gun."

And that's when he started turning around completely and that's when I saw the gun. So he deployed out. I drew out or I drew out, then he deployed out.

DETECTIVE BRANDY ARZATE: Okay. Now, when he turned around completely to face you guys, did he turn the same way to his right or did he turn to his left to face you guys if you can recall?

OFFICER DANIEL RAMIREZ: He continued going clockwise --

CONFIDENTIAL MATERIAL
SUBJECT TO PROTECTIVE ORDER

DETECTIVE BRANDY ARZATE: Okay.

OFFICER DANIEL RAMIREZ: -- going right.

CONFIDENTIAL MATERIAL
SUBJECT TO PROTECTIVE ORDER

DETECTIVE BRANDY ARZATE: So he made a complete turn. And after, you know, he told you guys, fuck you, did either you or your partner try to give him any commands at that point?

OFFICER DANIEL RAMIREZ: It happened so quickly, as soon as I got out of the vehicle, I said, drop -- drop the gun. I didn't account to what my partner said.

DETECTIVE BRANDY ARZATE: Uh-huh.

OFFICER DANIEL RAMIREZ: I -- he was yelling, too. So I -- I can't -- I'm not sure what he said.

DETECTIVE BRANDY ARZATE: Okay. And you said the suspect started to -- lift up what you described, you believe to be a black semi-automatic pistol --

OFFICER DANIEL RAMIREZ: Yes.

DETECTIVE BRANDY ARZATE: -- in his left-hand?

OFFICER DANIEL RAMIREZ: Yes.

DETECTIVE BRANDY ARZATE: Okay. Was it only his left -- was it only one handed he was lifting it with or was he lifting it with two?

OFFICER DANIEL RAMIREZ: Just one hand.

DETECTIVE BRANDY ARZATE: Just one hand? Okay. And what direction was the muzzle facing?

OFFICER DANIEL RAMIREZ: In our direction.

DETECTIVE BRANDY ARZATE: Okay.

ESTATE OF ERIC RIVERA, et al.
v.
CITY OF LOS ANGELES, et al.
CV17-06030 CBM (MRWx)
CONFIDENTIAL MATERIAL
SUBJECT TO PROTECTIVE ORDER

CONFIDENTIAL MATERIAL
SUBJECT TO PROTECTIVE ORDER
ESTATE OF P. RIVERA, et al.
CITY OF LOS ANGELES, et al.
CV17-06030 CBM (MRWx)
CONFIDENTIAL MATERIAL
SUBJECT TO PROTECTIVE ORDER

DETECTIVE PETER STONE: For -- for tape purposes, what -- what direction would that be?

OFFICER DANIEL RAMIREZ: Sir, that would be eastbound.

DETECTIVE PETER STONE: Generally east?

OFFICER DANIEL RAMIREZ: Generally.

DETECTIVE PETER STONE: Okay.

OFFICER DANIEL RAMIREZ: I'm sorry. Generally east.

DETECTIVE PETER STONE: Okay.

DETECTIVE BRANDY ARZATE: Now, did --

DETECTIVE PETER STONE: Big -- I'm sorry, Brandy.

DETECTIVE BRANDY ARZATE: No. Go ahead.

DETECTIVE PETER STONE: Maybe a little bit northeast? Does that help out, too?

OFFICER DANIEL RAMIREZ: Yes, sir.

DETECTIVE PETER STONE: Okay.

DETECTIVE BRANDY ARZATE: Okay. Now, I believe you said he lifted it and lowered it more than once. Is that correct?

OFFICER DANIEL RAMIREZ: Yes.

DETECTIVE BRANDY ARZATE: Okay.

OFFICER DANIEL RAMIREZ: He did it twice.

DETECTIVE BRANDY ARZATE: Okay. Could -- could you describe that to me, again?

CONFIDENTIAL MATERIAL
SUBJECT TO PROTECTIVE ORDER
ESTATE OF BRIGHT, ET AL. v. CITY OF LOS ANGELES, ET AL.
CV17-06939 CBM (MRWx)
CONFIDENTIAL MATERIAL
SUBJECT TO PROTECTIVE ORDER

OFFICER DANIEL RAMIREZ: The first time is after -- after he said, "fuck you" --

DETECTIVE BRANDY ARZATE: Uh-huh.

OFFICER DANIEL RAMIREZ: -- and he's -- he, basically almost completed his turn, I saw him lift it once.

DETECTIVE BRANDY ARZATE: Okay.

OFFICER DANIEL RAMIREZ: Parallel to the ground. I -- I honestly couldn't describe it, but if you're holding your arm out straight, probably half of that. So I don't -- 45-degree angle.

DETECTIVE PETER STONE: So as officers we use -- and I'm sorry, Brandy, I'm stepping in, but --

DETECTIVE BRANDY ARZATE: No. Please, go ahead.

DETECTIVE PETER STONE: -- but we use, you know, low-ready, which -- which is kind of down in front of us at an angle or up on target, which would be pointing a weapon at a target. Would --

OFFICER DANIEL RAMIREZ: In this case, sir, it would be around the low-ready.

DETECTIVE PETER STONE: Okay.

DETECTIVE BRANDY ARZATE: Okay. And then, after bringing it to low-ready position, did he lower it again?

OFFICER DANIEL RAMIREZ: Yes.

CONFIDENTIAL MATERIAL
SUBJECT TO PROTECTIVE ORDER

DETECTIVE BRANDY ARZATE: Okay. And how much time was there in between the first and second time he actually raised the gun?

OFFICER DANIEL RAMIREZ: Approximately two seconds.

DETECTIVE BRANDY ARZATE: Okay. And then, when he lifted it the second time, where were you at that point?

OFFICER DANIEL RAMIREZ: At that point, I was already -- since he dropped it --

ESTATE OF ERIC RIVERA, et al.
v.
CITY OF LOS ANGELES, et al.
CV17-06939 CBM (AFMx)

DETECTIVE BRANDY ARZATE: Uh-huh.

OFFICER DANIEL RAMIREZ: -- that's why I had to shoot through the windshield.

DETECTIVE BRANDY ARZATE: Uh-huh.

OFFICER DANIEL RAMIREZ: Once he lowered, I -- I jumped out of the car and got behind my -- my door panel for cover, and that's when he lifted -- he was starting to lift it the second time.

DETECTIVE BRANDY ARZATE: Okay. So you were out of the --

OFFICER DANIEL RAMIREZ: So --

DETECTIVE BRANDY ARZATE: -- car the second time?

OFFICER DANIEL RAMIREZ: Yes.

CONFIDENTIAL MATERIAL
SUBJECT TO PROTECTIVE ORDER

DETECTIVE BRANDY ARZATE: Okay. And did he -- about how high did he raise it that second time?

CONFIDENTIAL MATERIAL
SUBJECT TO PROTECTIVE ORDER
ESTATE OF BRIGGETTE RIVERA, et al. v. CITY OF LOS ANGELES, et al.
CV17-06939 CBM (SKWx)
CONFIDENTIAL MATERIAL
SUBJECT TO PROTECTIVE ORDER

OFFICER DANIEL RAMIREZ: It was gonna -- it's probably gonna be a -- a little past --

DETECTIVE BRANDY ARZATE: Uh-huh.

OFFICER DANIEL RAMIREZ: -- the low-ready. It's -- it's almost gonna be --

DETECTIVE BRANDY ARZATE: Like he was coming up on target?

OFFICER DANIEL RAMIREZ: On -- coming up on target. Yes.

DETECTIVE BRANDY ARZATE: Okay. But prior until he was able to do so is when you said you fired?

OFFICER DANIEL RAMIREZ: Yes.

DETECTIVE BRANDY ARZATE: Okay. At what point did you unholster your pistol?

OFFICER DANIEL RAMIREZ: When my partner said he -- my partner said, "Oh, shit. Gun."

DETECTIVE BRANDY ARZATE: Uh-huh.

OFFICER DANIEL RAMIREZ: I didn't see the gun at first, but --

DETECTIVE BRANDY ARZATE: Uh-huh.

OFFICER DANIEL RAMIREZ: -- within a split second, I saw it because he was making a -- he was completing his clockwise turn. So that's when I saw it. Immediately, then, I drew it.

I practice drawing out a lot because this

CONFIDENTIAL MATERIAL
SUBJECT TO PROTECTIVE ORDER

situation could happen. I don't know. You never know. So I practice a lot. So within the split second I could draw out --

DETECTIVE BRANDY ARZATE: Uh-huh.

OFFICER DANIEL RAMIREZ: -- be on target. So -- but once I saw him lower it, that's when I didn't real -- I realized I had to shoot through the window. And I tried to put it in park, but I might -- I might have not.

DETECTIVE BRANDY ARZATE: Okay. Now, you were -- are you right-handed or left-handed?

OFFICER DANIEL RAMIREZ: Right-handed.

DETECTIVE BRANDY ARZATE: Okay. So you drew your pistol with your right hand. How were you holding it as you were sitting in your vehicle?

OFFICER DANIEL RAMIREZ: It was -- it was basically at a close contact. Yeah. It was close contact, so semi on target, close to my body.

DETECTIVE BRANDY ARZATE: Okay.

OFFICER DANIEL RAMIREZ: So --

DETECTIVE BRANDY ARZATE: Where was your finger?

OFFICER DANIEL RAMIREZ: Along the frame.

DETECTIVE BRANDY ARZATE: Okay. And -- so since your gun was with your right hand, did you use your left hand to open the car door?

ESTATE OF ERIC RIVERA, et al.
v.
CITY OF LOS ANGELES, et al.
CV17-06029 CBM (MRWx)
CONFIDENTIAL MATERIAL
SUBJECT TO PROTECTIVE ORDER

CONFIDENTIAL MATERIAL
SUBJECT TO PROTECTIVE ORDER

OFFICER DANIEL RAMIREZ: Yes.

DETECTIVE BRANDY ARZATE: Okay. And which hand did you attempt to place the vehicle in park with?

OFFICER DANIEL RAMIREZ: With my right hand.

DETECTIVE BRANDY ARZATE: Okay. As you were in -- at that point, you had the gun out?

OFFICER DANIEL RAMIREZ: Yes.

DETECTIVE BRANDY ARZATE: Okay. So you exited the car. When you got out of the vehicle, how were you holding your pistol at that time?

ESTATE OF BRIG RIVERA, et al. v. CITY OF LOS ANGELES, et al.
CV17-06930 CBM (MRWx)

OFFICER DANIEL RAMIREZ: I went from -- maybe from a low-ready to up on target.

DETECTIVE BRANDY ARZATE: Okay.

OFFICER DANIEL RAMIREZ: Immediately.

DETECTIVE BRANDY ARZATE: Were you -- did you transition to -- was it a one-handed or two-handed low-ready position?

OFFICER DANIEL RAMIREZ: Two-handed.

DETECTIVE BRANDY ARZATE: Okay. And you said you went on target. So was your finger still along the frame or was it on the --

OFFICER DANIEL RAMIREZ: Once I went on target, I took my finger out -- off the -- off the frame on the trigger.

CONFIDENTIAL MATERIAL
SUBJECT TO PROTECTIVE ORDER

DETECTIVE BRANDY ARZATE: Okay. And when you

CONFIDENTIAL MATERIAL
SUBJECT TO PROTECTIVE ORDER

fired for the suspect, where were you aiming?

OFFICER DANIEL RAMIREZ: Center body ma'am --

DETECTIVE BRANDY ARZATE: Okay.

OFFICER DANIEL RAMIREZ: -- or his chest.

DETECTIVE BRANDY ARZATE: Okay. And I believe you said the suspect fell on the sidewalk?

OFFICER DANIEL RAMIREZ: Yes.

DETECTIVE BRANDY ARZATE: Okay. Did he ever make any additional statements to you or your partner?

OFFICER DANIEL RAMIREZ: No.

DETECTIVE BRANDY ARZATE: Okay. Now, you mentioned that you were out of the vehicle and then you could see that your car was passing you. Where -- where were you exactly at that point if you can describe it?

OFFICER DANIEL RAMIREZ: I was between the No. 1 and 2 lane --

DETECTIVE BRANDY ARZATE: Uh-huh.

OFFICER DANIEL RAMIREZ: -- going southbound. So, like, where the -- where the white lines are basically dividing the -- the lanes? That's where I remember being at. And the vehicle past us.

DETECTIVE BRANDY ARZATE: Okay. At that point, did you still have your pistol drawn?

OFFICER DANIEL RAMIREZ: Yes.

ESTATE OF ERIC RIVERA, et al. v. CITY OF LOS ANGELES, et al.
CV17-06020 CBM (MRWx)
CONFIDENTIAL MATERIAL
SUBJECT TO PROTECTIVE ORDER

CONFIDENTIAL MATERIAL
SUBJECT TO PROTECTIVE ORDER
ESTATE OF ERIC RIVERA, et al. v. CITY OF LOS ANGELES, et al.
CV17-06939 CBM (MRWx)
CONFIDENTIAL MATERIAL
SUBJECT TO PROTECTIVE ORDER

DETECTIVE BRANDY ARZATE: Okay. So I know you didn't want the vehicle to strike --

OFFICER DANIEL RAMIREZ: No, I didn't want it --

DETECTIVE BRANDY ARZATE: -- the suspect again. So did you actually get all the way back into the car when you tried to stop it or how did you do that?

OFFICER DANIEL RAMIREZ: I -- I wasn't able to.

DETECTIVE BRANDY ARZATE: Uh-huh.

OFFICER DANIEL RAMIREZ: The -- the vehicle was moving too fast. So the best I could do was try and, at least, put my foot on the brake --

DETECTIVE BRANDY ARZATE: Uh-huh.

OFFICER DANIEL RAMIREZ: -- just step in and try and put my foot on the brake. But as -- as I was doing that, I don't think I was able to, and I -- I might have put the --

DETECTIVE BRANDY ARZATE: Uh-huh.

OFFICER DANIEL RAMIREZ: -- the gas and the brake at the same time. I got big feet, so --

DETECTIVE BRANDY ARZATE: Okay. So you had one leg out of the car. Then, one leg in the car?

OFFICER DANIEL RAMIREZ: Yes.

DETECTIVE BRANDY ARZATE: Okay. And at that point, how were you holding your pistol?

OFFICER DANIEL RAMIREZ: I believe, at that

CONFIDENTIAL MATERIAL
SUBJECT TO PROTECTIVE ORDER
ESTATE OF ERIC RIVERA, et al. v. CITY OF LOS ANGELES, et al.
CV17-06939 CBM (MRWx)
CONFIDENTIAL MATERIAL
SUBJECT TO PROTECTIVE ORDER

point, once I was trying to stop the car. I holstered.

DETECTIVE BRANDY ARZATE: Okay.

OFFICER DANIEL RAMIREZ: I hole -- holstered my weapon because it's pretty much impossible to throw it in park with a left hand with the gun and -- so --

DETECTIVE BRANDY ARZATE: Okay.

OFFICER DANIEL RAMIREZ: I holstered.

DETECTIVE BRANDY ARZATE: So you holstered your pistol, and then you used one of your feet to try to actually hit the brakes, and looks like it was -- it was unsuccessful?

OFFICER DANIEL RAMIREZ: Yes. And then, after it was unsuccessful and it crashed --

DETECTIVE BRANDY ARZATE: Uh-huh.

OFFICER DANIEL RAMIREZ: -- I -- I drew out again.

DETECTIVE BRANDY ARZATE: Okay.

OFFICER DANIEL RAMIREZ: Because I don't know if he's still alive or still armed.

DETECTIVE BRANDY ARZATE: Okay. And when you drew out the second time, how were you holding your pistol?

OFFICER DANIEL RAMIREZ: Two-hand grip, low-ready.

DETECTIVE BRANDY ARZATE: Okay. And after the

CONFIDENTIAL MATERIAL
SUBJECT TO PROTECTIVE ORDER

shots were fired, did you or your partner put out a help call?

OFFICER DANIEL RAMIREZ: My partner did.

DETECTIVE BRANDY ARZATE: Okay. And --

OFFICER DANIEL RAMIREZ: And I maintained cover while he broadcast the communication.

DETECTIVE BRANDY ARZATE: Okay. And I -- I believe you said that the -- your backround at the time when you fired was actually a garage?

OFFICER DANIEL RAMIREZ: Yes.

DETECTIVE BRANDY ARZATE: Okay. Did you see any -- were there any people in the area that you can see?

OFFICER DANIEL RAMIREZ: No.

DETECTIVE BRANDY ARZATE: Okay.

OFFICER DANIEL RAMIREZ: And it was -- it was like a -- I'm sorry. It was like a -- more of a carport --

DETECTIVE BRANDY ARZATE: Uh-huh.

OFFICER DANIEL RAMIREZ: -- an in -- enclosed carport. So I could see that there was nobody there. It wasn't a closed garage where I couldn't see.

DETECTIVE BRANDY ARZATE: Okay. Now, the secondary unit arrived pretty quickly. Is that right?

OFFICER DANIEL RAMIREZ: Yes.

ESTATE OF ERIC RIVERA, et al.
v.
CITY OF LOS ANGELES, et al.
CV17-06020 CBM (MRWx)
CONFIDENTIAL MATERIAL
SUBJECT TO PROTECTIVE ORDER

CONFIDENTIAL MATERIAL
SUBJECT TO PROTECTIVE ORDER

DETECTIVE BRANDY ARZATE: Okay. I believe you mentioned that you guys redeployed --

OFFICER DANIEL RAMIREZ: Yes. Behind cover behind the doors -- the door panels.

DETECTIVE BRANDY ARZATE: Okay. And can you tell me, like, a -- the reasoning for -- for that re -- redeploying to that location?

OFFICER DANIEL RAMIREZ: Just in case he -- he was armed. We're not a -- I'm a -- a sitting target. We try and avoid, like, let's say he is firing, at least, we have some cover. And -- yeah.

ESTATE OF ERIC RIVERA, et al.
v.
CITY OF LOS ANGELES, et al.
CV17-06039 CRM (MRWx)

DETECTIVE BRANDY ARZATE: Okay. And where did you go to actually seek cover? What part of the secondary unit?

OFFICER DANIEL RAMIREZ: The front doors. So I went on the driver's side. My partner went on the passenger side.

DETECTIVE BRANDY ARZATE: Okay.

OFFICER DANIEL RAMIREZ: So we went behind the ballistic doors.

DETECTIVE BRANDY ARZATE: Okay. Okay. You want to ask some questions? Go ahead.

DETECTIVE PETER STONE: Sure. Sure, sure, sure. Okay. Let -- let's -- what -- what kind of car were you driving? It was -- it was a marked black and

CONFIDENTIAL MATERIAL
SUBJECT TO PROTECTIVE ORDER

CONFIDENTIAL MATERIAL
SUBJECT TO PROTECTIVE ORDER

white. Is it an SUV or is it a --

OFFICER DANIEL RAMIREZ: It's a Crown Victoria.

DETECTIVE BRANDY ARZATE: Crown Vic. Okay. Do you know if that has ballistic door panels?

OFFICER DANIEL RAMIREZ: Yes, it does.

DETECTIVE BRANDY ARZATE: It does. Okay. So when -- when you deployed out of the car, you're unholstered and you're addressing the suspect, are you behind the ballistic panels this whole time?

ESTATE OF ERIC RIVERA, et al.
v.
CITY OF LOS ANGELES, et al.
CV17-06939 CBM (MRWx)

OFFICER DANIEL RAMIREZ: Yes, sir.

DETECTIVE PETER STONE: Okay. And when you fired your rounds, you fired them from behind?

OFFICER DANIEL RAMIREZ: Yes, sir.

DETECTIVE PETER STONE: Okay. Then, let me move onto -- when you first saw the suspect, you had described being in the No. 1 lane traveling southbound on Wilmington and you see the suspect -- did I say traveling south on Wilmington?

OFFICER DANIEL RAMIREZ: Yes, sir.

DETECTIVE PETER STONE: Okay. And you see the suspect walking south on the west sidewalk.

OFFICER DANIEL RAMIREZ: Yes, sir.

DETECTIVE PETER STONE: As -- as you're -- as you're traveling south, you don't see him for very long until right when you stop the car. Is that --

CONFIDENTIAL MATERIAL
SUBJECT TO PROTECTIVE ORDER

CONFIDENTIAL MATERIAL
SUBJECT TO PROTECTIVE ORDER

OFFICER DANIEL RAMIREZ: Yes, sir.

DETECTIVE PETER STONE: -- am I understanding that right?

OFFICER DANIEL RAMIREZ: Yes, sir.

DETECTIVE PETER STONE: Okay. So -- so you don't know if, as you're rolling down the street, if he's looking around? You're -- you're not aware of that, right?

OFFICER DANIEL RAMIREZ: No, sir.

DETECTIVE PETER STONE: Okay. When you do stop the car, you -- you said you turned it kind of in a diagonal direction angling towards him so the front of the car is towards him? Is that what you were trying to do?

OFFICER DANIEL RAMIREZ: Yes, sir.

DETECTIVE PETER STONE: Okay. Were you able to accomplish that?

OFFICER DANIEL RAMIREZ: Yes.

DETECTIVE PETER STONE: Okay. Therefore, it provided you the best, for you and your partner, the best cover?

OFFICER DANIEL RAMIREZ: Yes, sir.

DETECTIVE PETER STONE: Okay. Let me ask you just about your options at that point. Did you feel like you had any other options, like could you have

ESTATE OF RIVERA, et al. v. CITY OF LOS ANGELES, et al.
CV17-06920 CBM (MRWx)
CONFIDENTIAL MATERIAL
SUBJECT TO PROTECTIVE ORDER

CONFIDENTIAL MATERIAL
SUBJECT TO PROTECTIVE ORDER

driven past him, gone around the block? What -- what are your -- what are your thoughts on that about what you -- the scenario you had right at that moment?

OFFICER DANIEL RAMIREZ: With -- with that moment that my partner saw the gun, I -- I don't want to put citizens at risk. Like, let -- let's say he was walking towards the market and the market's not that far away --

DETECTIVE PETER STONE: Uh-huh.

OFFICER DANIEL RAMIREZ: -- or there's an apartment building that the gate is right there. I didn't want to give him that chance to walk into a building and make -- possibly make it a hostage situation or a barricaded suspect.

DETECTIVE PETER STONE: Okay.

OFFICER DANIEL RAMIREZ: Possibly putting the lives of more innocent civilians in jeopardy. If we continued down the block, we would have lost sight of him, and at that point, I could be in the same situation. He -- he could have run into an apartment building and I don't know his frame of mind. So it could have been, like, a hostage situation or a barricade situation.

CONFIDENTIAL MATERIAL

DETECTIVE PETER STONE: Okay.

SUBJECT TO PROTECTIVE ORDER

OFFICER DANIEL RAMIREZ: So the threat needed to

CONFIDENTIAL MATERIAL
SUBJECT TO PROTECTIVE ORDER
ESTATE OF ERIC RIVERA, et al.
v.
CITY OF LOS ANGELES, et al.
CV17-06939 CRM (MRWx)
CONFIDENTIAL MATERIAL
SUBJECT TO PROTECTIVE ORDER

be addressed because it was already a radio call that somebody observed this -- this man to have a firearm. So --

DETECTIVE PETER STONE: If -- if he had a gun and you continued to drive past him, could he have shot you?

OFFICER DANIEL RAMIREZ: Yes.

DETECTIVE PETER STONE: So right where you're at, you're -- you're kind of -- I won't -- well, necessarily -- I'll -- I'll use the term, mid-block, you're not necessarily mid-block, but you don't have an intersection right there where you could make a quick left turn or right turn and be out of --

OFFICER DANIEL RAMIREZ: Harm's way.

DETECTIVE PETER STONE: -- harm's way or his view, right? You'd -- you'd have to drive beyond him, further south to get to a -- an intersection where you could get off that main street. Is that correct?

OFFICER DANIEL RAMIREZ: Yes, sir.

DETECTIVE PETER STONE: Okay. So as -- as your attorney pointed out, driving past him probably not a tactually sound thing to do?

OFFICER DANIEL RAMIREZ: No, sir.

DETECTIVE PETER STONE: Okay. And you weren't able to take the time to -- to position the car to

CONFIDENTIAL MATERIAL
SUBJECT TO PROTECTIVE ORDER

give you a -- a tactical advantage with the ballistic panels between you and the suspect?

OFFICER DANIEL RAMIREZ: Yes, sir.

DETECTIVE PETER STONE: Before you and your partner get out of the car, did either one of you or at -- as you're stopping, before you guys are out and shots are fired, are you or your partner able to give any commands to the suspect?

OFFICER DANIEL RAMIREZ: No, sir.

DETECTIVE PETER STONE: Okay. When -- when does that happen?

OFFICER DANIEL RAMIREZ: That happens when we deploy out of the vehicle.

DETECTIVE PETER STONE: Okay.

OFFICER DANIEL RAMIREZ: It just -- it happened too quickly.

DETECTIVE PETER STONE: Sure.

OFFICER DANIEL RAMIREZ: There -- there was no time at all --

DETECTIVE PETER STONE: Sure.

OFFICER DANIEL RAMIREZ: -- to give a command.

DETECTIVE PETER STONE: And that was based on -- based on what? The --

OFFICER DANIEL RAMIREZ: The -- the -- the proximity, like, we were semi close to him.

ESTATE OF ERIC RIVERA, et al.
v.
CITY OF LOS ANGELES, et al.
CV17-06939 CBM (MRWx)
CONFIDENTIAL MATERIAL
SUBJECT TO PROTECTIVE ORDER

CONFIDENTIAL MATERIAL
SUBJECT TO PROTECTIVE ORDER
ESTATE OF ERIC RIVERA, et al.
v.
CITY OF LOS ANGELES, et al.
CV17-06830 CBM (MRWx)
CONFIDENTIAL MATERIAL
SUBJECT TO PROTECTIVE ORDER

DETECTIVE PETER STONE: Right.

OFFICER DANIEL RAMIREZ: But we -- I didn't see him until the last second, and neither did my partner. And then, immediately when we see him at the last second, my partner says, "Oh, shit. Gun." He has a gun in his hand. So --

DETECTIVE PETER STONE: And -- and he reacts to your presence there, and -- which you've described as far as immediately turning -- turning to his right clockwise, and then facing you?

OFFICER DANIEL RAMIREZ: Yes, sir.

DETECTIVE PETER STONE: Okay. And -- and I'm pretty sure you said it. I'm a little -- a little foggy and I'm writing notes, so when he raised that gun and he raise -- he had it in his left hand?

OFFICER DANIEL RAMIREZ: Yes, sir.

DETECTIVE PETER STONE: The whole time?

OFFICER DANIEL RAMIREZ: Yes, sir.

DETECTIVE PETER STONE: Okay. And when he raised it, did -- did -- did -- was it always just in one hand or did he take a two-hand shooting position?

OFFICER DANIEL RAMIREZ: It was just one hand, sir, the whole time.

DETECTIVE PETER STONE: One hand? Okay. I -- I had -- I don't know. I have to check mark you

CONFIDENTIAL MATERIAL
SUBJECT TO PROTECTIVE ORDER
ESTATE OF BRIGGETTE RIVERA, et al.
v.
CITY OF LOS ANGELES, et al.
CV17-06939 CBM (MRWx)
CONFIDENTIAL MATERIAL
SUBJECT TO PROTECTIVE ORDER

answered. You answered that, I think. You're out of the car. And for the record, we -- we did view your body-worn video, correct?

OFFICER DANIEL RAMIREZ: Yes, sir.

DETECTIVE PETER STONE: Before this interview?

OFFICER DANIEL RAMIREZ: Yes, sir.

DETECTIVE PETER STONE: Okay. It provided some -- some information about that stop, right? Not -- not everything, but a little bit of detail?

OFFICER DANIEL RAMIREZ: Yes, sir.

DETECTIVE PETER STONE: Okay. And -- and also for the record, we determined that there wasn't any digital car video from your vehicle concerning this, correct?

OFFICER DANIEL RAMIREZ: Yes, sir. There was not.

DETECTIVE PETER STONE: Okay. So when you get out of the car, did you describe your shooting stance? Are you -- are you standing up right or are you kneeling down?

OFFICER DANIEL RAMIREZ: I -- I'm standing upright.

DETECTIVE PETER STONE: Okay.

OFFICER DANIEL RAMIREZ: Yeah. I'm standing upright. I have my hand -- arms out, low-ready

CONFIDENTIAL MATERIAL
SUBJECT TO PROTECTIVE ORDER
ESTATE OF ERIC RIVERA, et al. v. CITY OF LOS ANGELES, et al.
CV17-06939 CBM (MRWx)
CONFIDENTIAL MATERIAL
SUBJECT TO PROTECTIVE ORDER

position. Then, I'm out -- in a Weaver Stance.

DETECTIVE PETER STONE: Okay.

OFFICER DANIEL RAMIREZ: So per regular speak, I basically have my legs separated just past shoulder width.

DETECTIVE PETER STONE: Okay.

OFFICER DANIEL RAMIREZ: And I look like a tank, basically. I could just move off my -- my waist.

DETECTIVE PETER STONE: Okay.

OFFICER DANIEL RAMIREZ: So I'm -- I'm not belated or anything. And I don't have a --

DETECTIVE PETER STONE: Okay.

OFFICER DANIEL RAMIREZ: -- back, so I'm just upright.

DETECTIVE PETER STONE: Okay. So your -- your shoulders kind of square to --

OFFICER DANIEL RAMIREZ: Yes, sir.

DETECTIVE PETER STONE: -- to the suspect? And are you shooting over the -- the -- the top of the door or through the window, through the -- the V of the window and the A-pillar?

OFFICER DANIEL RAMIREZ: Yes, sir. Through the V of the -- the door and the -- the pillar, the -- the --

DETECTIVE PETER STONE: The -- the -- the -- the

CONFIDENTIAL MATERIAL
SUBJECT TO PROTECTIVE ORDER

pillar that -- that -- that houses the windshield or --

OFFICER DANIEL RAMIREZ: Yes, sir.

DETECTIVE PETER STONE: -- the frame of the windshield?

OFFICER DANIEL RAMIREZ: Yes, sir.

DETECTIVE PETER STONE: Okay. I think it's called an A-Pillar, right?

DETECTIVE BRANDY ARZATE: I'm not sure.

DETECTIVE PETER STONE: Don't know. Okay. I didn't work traffic, so I don't know. All right. And tell me a little bit -- I think you touched on it and I apologize if I'm beating it up, but what kind of backround did you see beyond him? I know you said there were no -- you didn't see any other people there behind him.

ESTATE OF ERIC RIVERA, et al. v. CITY OF LOS ANGELES, et al. CV17-06939 CBM (MRWx)

OFFICER DANIEL RAMIREZ: Right, sir. There was no other people behind him. There is an apartment complex behind him, but I didn't see anybody standing in the carport area or off to the side.

DETECTIVE PETER STONE: Okay.

OFFICER DANIEL RAMIREZ: So I -- I didn't see anybody behind him.

CONFIDENTIAL MATERIAL

DETECTIVE PETER STONE: Okay.

ATTORNEY DAVID WINSLOW: Well, if it's an

SUBJECT TO PROTECTIVE ORDER

CONFIDENTIAL MATERIAL
SUBJECT TO PROTECTIVE ORDER

apartment complex, what part of the complex was behind him?

OFFICER DANIEL RAMIREZ: It's just -- it would be the side of the complex?

ATTORNEY DAVID WINSLOW: Is it parking? Is it residential?

OFFICER DANIEL RAMIREZ: Residential.

DETECTIVE PETER STONE: Well, you mentioned a carport.

OFFICER DANIEL RAMIREZ: Excuse me. I -- it's the carport, then the residential.

DETECTIVE PETER STONE: Okay. Is it -- is the -- okay. So you're basically looking at a carport beyond him, and it's part of an apartment building?

OFFICER DANIEL RAMIREZ: Yes, sir.

DETECTIVE PETER STONE: Okay. You mentioned Officer Enrique Lopez. So you -- he took the -- kind of the role of supervisor and did -- what did he do? Did he stay with you and --

OFFICER DANIEL RAMIREZ: He -- he said when -- as soon as it was realized that I was the primary involved in it --

DETECTIVE PETER STONE: Uh-huh.

OFFICER DANIEL RAMIREZ: -- he just had me stay with him and he advised somebody else. He's like

ESTATE OF ERIC RIVERA, et al. v. CITY OF LOS ANGELES, et al. CV17-06930 CBM (MRWx)
CONFIDENTIAL MATERIAL
SUBJECT TO PROTECTIVE ORDER

CONFIDENTIAL MATERIAL
SUBJECT TO PROTECTIVE ORDER

grab a supervisor just so they could stay with me.

DETECTIVE PETER STONE: Okay.

OFFICER DANIEL RAMIREZ: And that -- that's all he did.

DETECTIVE PETER STONE: And he stayed there until that supervisor arrived?

OFFICER DANIEL RAMIREZ: Yes.

DETECTIVE PETER STONE: And then he turned over -- okay. And by looking at the body-worn video, you know the suspect wasn't taken into custody right away. He was -- he was up in front of the car. It looked like nobody made the approach for a while. What -- what was -- what was the thought there as far as not making that approach until some time went by? What was happening?

ESTATE OF RIVERA, et al. v. CITY OF LOS ANGELES, et al. CV17-06030 CBM (MRWx)

OFFICER DANIEL RAMIREZ: It was a -- he was under the -- we know -- I know it ran him over --

DETECTIVE PETER STONE: Uh-huh.

OFFICER DANIEL RAMIREZ: -- but people have been run over in the past and they survive.

DETECTIVE PETER STONE: Uh-huh.

OFFICER DANIEL RAMIREZ: So we didn't want to make our approach just in case he was still armed. And that could put us in threat of being injured or killed due to gunfire.

CONFIDENTIAL MATERIAL
SUBJECT TO PROTECTIVE ORDER

CONFIDENTIAL MATERIAL
SUBJECT TO PROTECTIVE ORDER
ESTATE OF BRIGRIEL, et al.
CITY OF LOS ANGELES, et al.
CV17-06930 CBM (MRWx)
CONFIDENTIAL MATERIAL
SUBJECT TO PROTECTIVE ORDER

DETECTIVE PETER STONE: Okay. So were you waiting for something?

OFFICER DANIEL RAMIREZ: Yeah. We were waiting for maybe a couple more units so we could devise a plan. At that time, there was just four of us.

DETECTIVE PETER STONE: Okay.

OFFICER DANIEL RAMIREZ: And then, we still had to think about, like, pulling him out from underneath the car or should we back up the car. Who was gonna be cover, like there was too many parts to do with just four guys.

DETECTIVE PETER STONE: Sure.

OFFICER DANIEL RAMIREZ: So we needed to wait for more resources.

DETECTIVE PETER STONE: Okay. And once -- once those resources got there, did someone put together a plan to approach?

OFFICER DANIEL RAMIREZ: Once more resource -- resources got there, they advised me to go around the side just to maintain visual on him. And then, they were devising something. I -- I couldn't hear what they were saying. So I was off to the side, basically.

DETECTIVE PETER STONE: Were you -- did you kind of move to the south of the suspect a little bit?

CONFIDENTIAL MATERIAL
SUBJECT TO PROTECTIVE ORDER

OFFICER DANIEL RAMIREZ: Yes, sir. There was a shop parked there facing him, and I got covered behind that vehicle just to maintain visual on him.

DETECTIVE PETER STONE: Did there -- go ahead.

OFFICER DANIEL RAMIREZ: I'm sorry. There was a shop parked there facing him, and I got covered behind that vehicle just to maintain visual on him.

DETECTIVE PETER STONE: Okay. And that was a -- that was an SUV?

OFFICER DANIEL RAMIREZ: Yes, sir.

DETECTIVE PETER STONE: A black and white SUV?

OFFICER DANIEL RAMIREZ: Yes, sir.

DETECTIVE PETER STONE: Do you know whose car that was?

OFFICER DANIEL RAMIREZ: Oh, no, sir. I'm sorry.

DETECTIVE PETER STONE: Okay. And you said they were devising a plan. Who -- do you know who they are?

OFFICER DANIEL RAMIREZ: There was a supervisor at scene, and he was with the other officers that were with me. And they were starting to get additional resources.

DETECTIVE PETER STONE: Were they to the north of your position at that point?

OFFICER DANIEL RAMIREZ: Yes, sir.

DETECTIVE PETER STONE: After you reposition?

ESTATE OF BRIGHTER, et al.
v.
CITY OF LOS ANGELES, et al.
CV17-06930 CBM (MRWx)
CONFIDENTIAL MATERIAL
SUBJECT TO PROTECTIVE ORDER

CONFIDENTIAL MATERIAL
SUBJECT TO PROTECTIVE ORDER

OFFICER DANIEL RAMIREZ: Yes, sir.

DETECTIVE PETER STONE: Okay. What was that sergeant's name? Tom?

OFFICER DANIEL RAMIREZ: Honestly, sir, I -- I don't really know because I only --

DETECTIVE PETER STONE: Okay.

OFFICER DANIEL RAMIREZ: -- this is my second D.P., and I don't know everybody yet. So --

DETECTIVE PETER STONE: Fair enough.

OFFICER DANIEL RAMIREZ: -- I think it's with a T., starts with a T.

DETECTIVE PETER STONE: Was there a name of Thomasich? Does that ring a Bell?

OFFICER DANIEL RAMIREZ: That's -- that --

DETECTIVE BRANDY ARZATE: Not to -- huh-uh.

OFFICER DANIEL RAMIREZ: That might sound familiar.

DETECTIVE PETER STONE: Okay. Okay. That's fine. I -- I realize you've only been here a few months, so -- do you know at what point a supervisor became aware that you are actually a shooter in this incident?

OFFICER DANIEL RAMIREZ: I think that came to fruition when Enrique Lopez told somebody to get a supervisor. And then that it -- that was realized

ESTATE OF ERIC RIVERA, et al.
v.
CITY OF LOS ANGELES, et al.
CV17-06039 CBM (MRWx)
CONFIDENTIAL MATERIAL
SUBJECT TO PROTECTIVE ORDER

CONFIDENTIAL MATERIAL
SUBJECT TO PROTECTIVE ORDER

that I was a shooter

DETECTIVE PETER STONE: Okay.

OFFICER DANIEL RAMIREZ: -- or involved.

DETECTIVE PETER STONE: And that -- that occurred all after the Fire Department determined that this individual was dead? So essentially, the scene, there -- or the tactical situation was Code 4?

OFFICER DANIEL RAMIREZ: Yes, sir.

DETECTIVE PETER STONE: Okay. That -- that's when this officer identified you to a supervisor?

ESTATE OF ERIC RIVERA, et al.
v.
CITY OF LOS ANGELES, et al.
CV17-06939 CBM (MRWx)

OFFICER DANIEL RAMIREZ: Yes, sir.

DETECTIVE PETER STONE: Okay. In watching the body-worn video, I -- I'm -- it looks like you guys made an approach to the suspect. It was determined that he was no longer a threat. What -- what did you do at that point?

OFFICER DANIEL RAMIREZ: Once it was deemed, like -- once the paramedics came and checked on him and --

DETECTIVE PETER STONE: Uh-huh.

OFFICER DANIEL RAMIREZ: -- and said he was -- he was dead -- he was gone or he was dead --

DETECTIVE PETER STONE: Uh-huh.

CONFIDENTIAL MATERIAL
SUBJECT TO PROTECTIVE ORDER

OFFICER DANIEL RAMIREZ: -- I went to check on the whole thing with my partner because I heard that

CONFIDENTIAL MATERIAL
SUBJECT TO PROTECTIVE ORDER
ESTATE OF ERIC RIVERA, et al. v. CITY OF LOS ANGELES, et al.
CV17-06930 CBM (MRWx)
CONFIDENTIAL MATERIAL
SUBJECT TO PROTECTIVE ORDER

he was going to get transported or he might may have been shot. So the first thing I went to do was check on him. So I just walked over to him and to see what was going on with him.

DETECTIVE PETER STONE: Okay.

OFFICER DANIEL RAMIREZ: I knew he was gonna be transported.

DETECTIVE PETER STONE: Okay. Let me ask you a stupid question. You know that you were just involved in the shooting. Were you thinking that hey, I need to present myself to a -- a supervisor? Were you thinking that or were you thinking --

OFFICER DANIEL RAMIREZ: Honestly, I wasn't. I was thinking --

DETECTIVE PETER STONE: Okay.

OFFICER DANIEL RAMIREZ: -- on the more well-being of my fellow officer.

DETECTIVE PETER STONE: Okay. I get it. Let's see. You mentioned -- you used the word or term, I -- I drew out, what do you mean by that?

OFFICER DANIEL RAMIREZ: I'm sorry, sir.

DETECTIVE PETER STONE: That's fine.

OFFICER DANIEL RAMIREZ: I -- I -- I unholstered my weapon, my firearm --

DETECTIVE PETER STONE: Okay.

CONFIDENTIAL MATERIAL
SUBJECT TO PROTECTIVE ORDER
ESTATE OF ERIC RIVERA, et al.
v.
CITY OF LOS ANGELES, et al.
CV17-06939 CBM (MRWx)
CONFIDENTIAL MATERIAL
SUBJECT TO PROTECTIVE ORDER

OFFICER DANIEL RAMIREZ: -- from the holster.

DETECTIVE PETER STONE: And I have a note here to ask when and -- and -- did that occur when your partner alerted you to the suspect being there and the fact that he had a gun? Is that when you unholstered?

OFFICER DANIEL RAMIREZ: I -- I unholstered when he said, "gun." And I observed the gun.

DETECTIVE PETER STONE: Okay.

OFFICER DANIEL RAMIREZ: It was -- it was within a split second.

DETECTIVE PETER STONE: Okay.

OFFICER DANIEL RAMIREZ: So, like, simultaneously, I observed it in his left hand when he said, "gun."

DETECTIVE PETER STONE: And -- and by looking at the video, you were still in the driver's seat --

OFFICER DANIEL RAMIREZ: Yes, sir.

DETECTIVE PETER STONE: -- when that occurs?

OFFICER DANIEL RAMIREZ: Yes, sir.

DETECTIVE PETER STONE: Okay. And -- and you also had said that, you know, the shooting has happened. You realize the car is creeping forward towards the suspect.

You try to get in, try to -- try to stop it. You thought you might have hit the gas pedal -- the brake

CONFIDENTIAL MATERIAL
SUBJECT TO PROTECTIVE ORDER
ESTATE OF ERIC RIVERA, et al.
v.
CITY OF LOS ANGELES, et al.
CV17-06930 CBM (MRWx)
CONFIDENTIAL MATERIAL
SUBJECT TO PROTECTIVE ORDER

and the gas pedal. Was there some reaction to the car that makes you think that that happened?

OFFICER DANIEL RAMIREZ: I believe that I did hear the engine possibly rev --

DETECTIVE PETER STONE: Okay.

OFFICER DANIEL RAMIREZ: -- a little bit. But that -- that's why I believe -- I'm not -- I'm not a 100 percent sure, but --

DETECTIVE PETER STONE: Okay.

OFFICER DANIEL RAMIREZ: -- I believe I heard that.

DETECTIVE PETER STONE: Okay. So are you kind of making an assumption?

OFFICER DANIEL RAMIREZ: No. Because I -- I do recall the engine maybe getting a little louder --

DETECTIVE PETER STONE: Okay.

OFFICER DANIEL RAMIREZ: -- than normal.

DETECTIVE PETER STONE: All right.

OFFICER DANIEL RAMIREZ: So --

DETECTIVE PETER STONE: But you didn't -- you didn't notice it lurch forward or suddenly go from 3 miles per hour to 20 miles per hour?

OFFICER DANIEL RAMIREZ: No, sir.

DETECTIVE PETER STONE: Okay. It just continued on it's --

CONFIDENTIAL MATERIAL
SUBJECT TO PROTECTIVE ORDER

OFFICER DANIEL RAMIREZ: On its course.

DETECTIVE PETER STONE: -- on the movement, on its course it was going?

OFFICER DANIEL RAMIREZ: Yes, sir.

DETECTIVE PETER STONE: Okay. All right. So the -- I think the last thing that I wanted to address was during the walk-through, we kind of had a unique situation. Generally, you know, in the walk-through, we'll have you put a placard down where you believed you were, that general area where you were when you fired a weapon, which was done.

And then, we -- we like to, just for investigation, we like you to be able to put a placard down where you believe the suspect is at the time the shooting occurred. Right? Remember we had that --

OFFICER DANIEL RAMIREZ: Yes, sir.

DETECTIVE PETER STONE: But in this scenario, there was a car, your black and white, in the area or over the area where you believe the suspect was standing at the time the shooting happened, right?

OFFICER DANIEL RAMIREZ: Yes.

DETECTIVE PETER STONE: Okay. So best we can describe, just -- just to make sure we understand it, I think you were describing the suspect as being in the apron of that driveway where the car came to rest.

ESTATE OF ERIC RIVERA, et al. v. CITY OF LOS ANGELES, et al. CV17-06029 CBM (MRWx)
CONFIDENTIAL MATERIAL
SUBJECT TO PROTECTIVE ORDER

CONFIDENTIAL MATERIAL
SUBJECT TO PROTECTIVE ORDER

OFFICER DANIEL RAMIREZ: Yes, sir.

DETECTIVE PETER STONE: Correct? And -- and at the time the shooting happened, he was 2 to 3 west of the curb?

OFFICER DANIEL RAMIREZ: Yes, sir.

DETECTIVE PETER STONE: Okay. Which would have put him, you believe, your -- your best estimate was somewhere under the -- the rear portion of the car where it's positioned out of the scene?

OFFICER DANIEL RAMIREZ: Yes, sir.

DETECTIVE PETER STONE: Okay. Does that make sense?

DETECTIVE BRANDY ARZATE: Uh-huh.

DETECTIVE PETER STONE: Okay. And at the time this shooting happened, it was just you and your partner. See no other -- no other officers present at that time, right?

OFFICER DANIEL RAMIREZ: Correct, sir. Yes.

DETECTIVE PETER STONE: Okay. And again, just in talking about this suspect's position. I think we were looking at -- at kind of landmarks out there to help identify. So when we do move that car out of that area, we can still put a placard or identify where that suspect was based on your believe.

And I think we used just for tape purposes, I

ESTATE OF ERIC RIVERA, et al.
v.
CITY OF LOS ANGELES, et al.
CV17-06939 CBM (MRWx)
CONFIDENTIAL MATERIAL
SUBJECT TO PROTECTIVE ORDER

CONFIDENTIAL MATERIAL
SUBJECT TO PROTECTIVE ORDER

think we used an address of the building. Basically, you thought he was generally underneath that and again, about 2 or 3' from the curb line. Does that make sense?

OFFICER DANIEL RAMIREZ: Yes, sir.

DETECTIVE PETER STONE: Okay. And I think that address was 1109?

DETECTIVE BRANDY ARZATE: Yeah. It was 1109.

DETECTIVE PETER STONE: The number -- the what -- the numbers were 1109 of the building. I don't think I have anything more, Brandy.

DETECTIVE BRANDY ARZATE: Yeah. I just have a couple more. Now, you mentioned that when you fired at the suspect, the suspect went down on the sidewalk. Do you believe that the suspect was shot?

OFFICER DANIEL RAMIREZ: Yes.

DETECTIVE BRANDY ARZATE: Okay. And what causes you to believe that, other than the fact that he went down?

OFFICER DANIEL RAMIREZ: He -- he grabbed -- he was grabbing his side. He grabbed his side momentarily before he went down.

DETECTIVE BRANDY ARZATE: Okay.

OFFICER DANIEL RAMIREZ: And that's very unusual for somebody to do

ESTATE OF ERIC RIVERA, et al. v. CITY OF LOS ANGELES, et al. CV17-06020 CBM (MRWx)
CONFIDENTIAL MATERIAL
SUBJECT TO PROTECTIVE ORDER

CONFIDENTIAL MATERIAL
SUBJECT TO PROTECTIVE ORDER

DETECTIVE BRANDY ARZATE: Okay.

OFFICER DANIEL RAMIREZ: Sometimes.

DETECTIVE BRANDY ARZATE: Do you believe the suspect could have fired at you?

OFFICER DANIEL RAMIREZ: It's possible.

DETECTIVE BRANDY ARZATE: Okay.

OFFICER DANIEL RAMIREZ: I -- I'm not exactly sure.

DETECTIVE BRANDY ARZATE: Okay. And are you aware if your partner fired?

ESTATE OF ERIC RIVERA, et al.
v.
CITY OF LOS ANGELES, et al.
CV17-06930 CBM (MRWx)

OFFICER DANIEL RAMIREZ: I -- I didn't see him fire.

DETECTIVE BRANDY ARZATE: Uh-huh.

OFFICER DANIEL RAMIREZ: I just heard gunfire coming from his vicinity or from his area.

DETECTIVE BRANDY ARZATE: The area --

OFFICER DANIEL RAMIREZ: So I --

DETECTIVE BRANDY ARZATE: -- where your partner was?

OFFICER DANIEL RAMIREZ: Yes.

DETECTIVE BRANDY ARZATE: Okay. And after the suspect went down and prior to the car running -- running him over, was he moving around at all?

CONFIDENTIAL MATERIAL
SUBJECT TO PROTECTIVE ORDER

OFFICER DANIEL RAMIREZ: No.

CONFIDENTIAL MATERIAL
SUBJECT TO PROTECTIVE ORDER
ESTATE OF ERIC RIVERA, et al. v. CITY OF LOS ANGELES, et al.
CV17-06939 CBM (MRWx)
CONFIDENTIAL MATERIAL
SUBJECT TO PROTECTIVE ORDER

DETECTIVE BRANDY ARZATE: Okay. Make any type of statements or noises that you could hear?

OFFICER DANIEL RAMIREZ: No.

DETECTIVE BRANDY ARZATE: Okay. And are you aware of any witnesses to the incident? Was there anybody that you think observed the actual officer involved shooting?

OFFICER DANIEL RAMIREZ: No.

DETECTIVE BRANDY ARZATE: Okay. Did you see any weapons at the scene belonging to the -- that could have belonged to the suspect?

OFFICER DANIEL RAMIREZ: I am not sure because --

ATTORNEY DAVID WINSLOW: You -- at what point?

DETECTIVE BRANDY ARZATE: I'm sorry. At the -- at the end of the incident, after the O.I.S. occurred.

OFFICER DANIEL RAMIREZ: Oh, okay. The vehicle was covering his whole body, so I -- I couldn't see one.

DETECTIVE BRANDY ARZATE: Okay.

OFFICER DANIEL RAMIREZ: But -- yeah.

DETECTIVE BRANDY ARZATE: And this is probably a really silly question, but was the suspect able to be searched from where he was positioned?

OFFICER DANIEL RAMIREZ: No.

CONFIDENTIAL MATERIAL
SUBJECT TO PROTECTIVE ORDER

DETECTIVE BRANDY ARZATE: Okay.

OFFICER DANIEL RAMIREZ: He was -- he was underneath the car.

DETECTIVE BRANDY ARZATE: Okay.

OFFICER DANIEL RAMIREZ: Basically, wrapped around the tire, so --

DETECTIVE BRANDY ARZATE: So it couldn't -- he couldn't have been searched?

OFFICER DANIEL RAMIREZ: No.

DETECTIVE BRANDY ARZATE: Okay. And were you injured at all during this incident?

OFFICER DANIEL RAMIREZ: No.

DETECTIVE BRANDY ARZATE: Okay. Was -- you're your partner? You said he was injured?

OFFICER DANIEL RAMIREZ: Yes.

DETECTIVE BRANDY ARZATE: Okay. And he was transported? Do you know what type of injury he sustained?

OFFICER DANIEL RAMIREZ: I heard something about his elbow.

DETECTIVE BRANDY ARZATE: Okay.

OFFICER DANIEL RAMIREZ: But when he left, I wasn't sure if it was gunshot wound or --

DETECTIVE BRANDY ARZATE: Uh-huh.

OFFICER DANIEL RAMIREZ: -- something else. But

ESTATE OF RIGOBERTO RIVERA, et al.
v.
CITY OF LOS ANGELES, et al.
CV17-06930-CBM-(MRWx)
CONFIDENTIAL MATERIAL
SUBJECT TO PROTECTIVE ORDER

CONFIDENTIAL MATERIAL
SUBJECT TO PROTECTIVE ORDER

last I got word is it could have been a result of a movement he did -- I -- I don't know.

DETECTIVE BRANDY ARZATE: Okay.

OFFICER DANIEL RAMIREZ: -- I don't know exactly.

DETECTIVE BRANDY ARZATE: Yeah. You're not sure how it was -- how he got injured?

OFFICER DANIEL RAMIREZ: Yes. I don't know.

DETECTIVE BRANDY ARZATE: Okay. I'm -- I don't have anything else, Pete.

DETECTIVE PETER STONE: Okay.

DETECTIVE BRANDY ARZATE: I'm sorry. Were you using your flashlight at all?

OFFICER DANIEL RAMIREZ: No.

DETECTIVE BRANDY ARZATE: Okay.

OFFICER DANIEL RAMIREZ: He was being illuminated with our vehicle lights.

DETECTIVE BRANDY ARZATE: Which lights are you referring to?

OFFICER DANIEL RAMIREZ: I'm sorry. Our headlights.

DETECTIVE BRANDY ARZATE: Okay. And at what point did you -- I know you holstered your pistol when you were attempting to stop the vehicle when it was rolling toward the suspect, and then you unholstered again.

ESTATE OF ERIC RIVERA, et al.
v.
CITY OF LOS ANGELES, et al.
CV17-06939 CBM (MRWx)
CONFIDENTIAL MATERIAL
SUBJECT TO PROTECTIVE ORDER

CONFIDENTIAL MATERIAL
SUBJECT TO PROTECTIVE ORDER

OFFICER DANIEL RAMIREZ: Yes.

DETECTIVE BRANDY ARZATE: At what point did you holster for the final time?

OFFICER DANIEL RAMIREZ: When it was deemed that he was -- was done. Yeah. He was no longer living or he was pronounced dead. I'm sorry.

DETECTIVE BRANDY ARZATE: Okay. After the Fire Department were already on scene?

OFFICER DANIEL RAMIREZ: Yes.

DETECTIVE BRANDY ARZATE: Okay.

ESTATE OF BRIGIDO RIVERA, et al.
v.
CITY OF LOS ANGELES, et al.
CV17-06939 CBM (MRWx)

DETECTIVE PETER STONE: Can you explain for -- for our investigative purposes why you unholstered your weapon?

OFFICER DANIEL RAMIREZ: Oh.

DETECTIVE PETER STONE: You describe some things, but -- but really, what was in your mind? Why did you unholster?

ATTORNEY DAVID WINSLOW: What was your thoughts?

OFFICER DANIEL RAMIREZ: Originally, right? The first --

DETECTIVE PETER STONE: Yeah. Yeah. When you're -- when you're in the car.

OFFICER DANIEL RAMIREZ: He had a weapon. I observed he had a weapon.

CONFIDENTIAL MATERIAL
SUBJECT TO PROTECTIVE ORDER

DETECTIVE PETER STONE: Okay.

CONFIDENTIAL MATERIAL
SUBJECT TO PROTECTIVE ORDER
ESTATE OF ERIC RIVERA, et al.
v.
CITY OF LOS ANGELES, et al.
CV17-06930 CBM (MRWx)
CONFIDENTIAL MATERIAL
SUBJECT TO PROTECTIVE ORDER

OFFICER DANIEL RAMIREZ: I had reason to believe that the situation I was involved in could result to the use of deadly force. So for that reason, I drew out my pistol because I knew that this -- you can't really deescalate a situation when someone has a gun in their hand.

DETECTIVE PETER STONE: Uh-huh.

OFFICER DANIEL RAMIREZ: So that's the reason I drew my pistol.

DETECTIVE PETER STONE: Okay.

ATTORNEY DAVID WINSLOW: Did you have time to get out of the car? Did you feel you had time to get out of the car and unholster?

OFFICER DANIEL RAMIREZ: No.

DETECTIVE PETER STONE: Okay. You -- you and your partner, you're responding to -- to a man with a gun call. That's -- that was a radio call that you heard?

OFFICER DANIEL RAMIREZ: Yes, sir.

DETECTIVE PETER STONE: Okay. Did you guys discuss anything while you were en route?

OFFICER DANIEL RAMIREZ: No.

DETECTIVE PETER STONE: Okay.

OFFICER DANIEL RAMIREZ: Not that I recall.

DETECTIVE PETER STONE: Okay.

CONFIDENTIAL MATERIAL
SUBJECT TO PROTECTIVE ORDER

OFFICER DANIEL RAMIREZ NO.

DETECTIVE PETER STONE: Well, let -- you know, sometimes, you know, you hear it broadcast and sometimes there's information on the -- the M.D.C. Is that what you call it? MDT?

OFFICER DANIEL RAMIREZ: Yes, sir.

DETECTIVE PETER STONE: What -- what is it called?

OFFICER DANIEL RAMIREZ: M.D.C.

ESTATE OF ERIC RIVERA, et al.

DETECTIVE PETER STONE: M.D.C. Okay. Was -- was there -- do you recall if you guys reviewed any of that information on the M.D.C. while you were en route?

v.
CITY OF LOS ANGELES, et al.

OFFICER DANIEL RAMIREZ: Yes. My -- my partner did.

CV17-06930 CBM (MRWx)

DETECTIVE PETER STONE: Okay. And did --

OFFICER DANIEL RAMIREZ: He -- he verbalized it to me.

DETECTIVE PETER STONE: Okay. Any -- any discussions about any of that information or -- or what kind of plan you might have if you turned the corner and see him?

OFFICER DANIEL RAMIREZ: Not that I recall.

CONFIDENTIAL MATERIAL

DETECTIVE PETER STONE: Okay. Brandy, I don't think I have anything else

SUBJECT TO PROTECTIVE ORDER

CONFIDENTIAL MATERIAL
SUBJECT TO PROTECTIVE ORDER

DETECTIVE BRANDY ARZATE: Okay. I don't have anything either.

DETECTIVE PETER STONE: Okay.

DETECTIVE BRANDY ARZATE: Okay, and Mr. Winslow.

ATTORNEY DAVID WINSLOW: Yeah. You -- you -- at the time of the O.I.S., you mentioned the term tunnel vision. Did -- did that mean that you had -- your attention was focused exclusively on the subject?

OFFICER DANIEL RAMIREZ: Yes.

ATTORNEY DAVID WINSLOW: Okay. That's all I have.

DETECTIVE BRANDY ARZATE: Okay. Anything else, Pete?

DETECTIVE PETER STONE: Huh-uh.

DETECTIVE BRANDY ARZATE: Okay, Officer Ramirez. Is there something that we did not ask you that you would like to mention that you think would be helpful to our investigation?

OFFICER DANIEL RAMIREZ: No, ma'am.

DETECTIVE BRANDY ARZATE: Okay. At this time, we will conclude the interview. The time is approximately 0505 hours.

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ESTATE OF ERIC RIVERA, et al.
v.
CITY OF LOS ANGELES, et al.
CV17-06939 CBM (MRWx)

CONFIDENTIAL MATERIAL
SUBJECT TO PROTECTIVE ORDER